

MAY. 30. 2003 1:32PM

WALL MARJAMA BILINSK

NO. 1190 P. 5  
Atty. Docket No. 281-329.02  
16

PTO FAX NO.: 703-746-8501

ATTENTION: Examiner John Sanders

Group Art Unit: 3737

## OFFICIAL COMMUNICATION

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of Ervin Goldfain, et al., Application No. 09/862,636, filed May 22, 2001 for Eye Viewing Device Comprising Eyepiece and Video Capture Optics is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

#### Document(s) Attached

1. Form PTO/SB/17 Fee Transmittal for FY 2003 with authorization to charge Deposit Account No. 50-0289 for Statutory Disclaimer Fee Under 37 CFR § 1.20(d) (1 page);
2. Executed Form PTO/SB/26 Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 page); and
3. Summary of Interview (1 page).

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**MAY 30 2003**

**TECHNOLOGY CENTER 3700**

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Dated: May 30, 2003

  
Jill R. Clarke

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**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 110**Complete if Known**

Application Number 09/862,636

Filing Date May 22, 2001

First Named Inventor Ervin Goldfain

Examiner Name John R. Sanders, Jr.

Group Art Unit 3737

Attorney Docket No. 281-329.02

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

50-0289

Deposit  
Account  
Name

Wall Marjama &amp; Bilinski, LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 750      | 2001     | 375      | Utility filing fee     |          |
| 1002     | 330      | 2002     | 165      | Design filing fee      |          |
| 1003     | 520      | 2003     | 260      | Plant filing fee       |          |
| 1004     | 750      | 2004     | 375      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

**SUBTOTAL (1)**

(\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims            | Extra Claims | Fees from below | Fee Paid |
|-------------------------|--------------|-----------------|----------|
| -20+ =                  |              |                 |          |
| Independent Claims -3 = |              |                 |          |
| Multiple Dependent      | X            |                 |          |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1202     | 18       | 2202     | 9        | Claims in excess of 20                                     |          |
| 1201     | 84       | 2201     | 42       | Independent claims in excess of 3                          |          |
| 1203     | 280      | 2203     | 140      | Multiple dependent claim, if not paid                      |          |
| 1204     | 84       | 2204     | 42       | ** Reissue independent claims over original patent         |          |
| 1205     | 18       | 2205     | 9        | ** Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)**

(\$ )

\*or number previously paid. If greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description  | Fee Paid |
|----------------|----------------|----------------|----------------|--|----------|
| 1051           | 130            | 2051           | 65             | Surcharge - late filing fee or oath  |          |
| 1052           | 50             | 2052           | 25             | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053           | 130            | 2053           | 65             | Non-English specification  |          |
| 1812           | 2,520          | 2012           | 1,260          | For filing a request for reexamination                                     |          |
| 1804           | 920*           | 2004           | 460*           | Requesting publication of SIR prior to Examiner action                     |          |
| 1805           | 1,840*         | 2005           | 920*           | Requesting publication of SIR after Examiner action                        |          |
| 1251           | 110            | 2251           | 55             | Extension for reply within first month                                     |          |
| 1252           | 410            | 2252           | 205            | Extension for reply within second month                                    |          |
| 1253           | 930            | 2253           | 465            | Extension for reply within third month                                     |          |
| 1254           | 1,450          | 2254           | 725            | Extension for reply within fourth month                                    |          |
| 1255           | 1,870          | 2255           | 935            | Extension for reply within fifth month                                     |          |
| 1401           | 320            | 2401           | 160            | Notice of Appeal   |          |
| 1402           | 320            | 2402           | 160            | Filing a brief in support of an appeal                                     |          |
| 1403           | 280            | 2403           | 140            | Request for oral hearing   |          |
| 1451           | 1,510          | 2451           | 755            | Petition to Institute a public use proceeding                              |          |
| 1452           | 110            | 2452           | 55             | Petition to revive - unavoidable   |          |
| 1453           | 1,300          | 2453           | 650            | Petition to revive - unintentional   |          |
| 1501           | 1,300          | 2501           | 650            | Utility issue fee (or reissue)   |          |
| 1502           | 470            | 2502           | 235            | Design issue fee   |          |
| 1503           | 630            | 2503           | 315            | Plant issue fee  |          |
| 1480           | 130            | 2480           | 65             | Petitions to the Commissioner  |          |
| 1807           | 50             | 2007           | 25             | Petitions related to provisional applications                              |          |
| 1808           | 180            | 2008           | 90             | Submission of Information Disclosure Sheet                                 |          |
| 8021           | 40             | 2021           | 20             | Recording each patent assignment per property (times number of properties) |          |
| 1809           | 750            | 2009           | 375            | Filing a submission after final rejection (37 CFR § 1.128(a))              |          |
| 1810           | 750            | 2010           | 375            | For each additional invention to be examined (37 CFR § 1.128(b))           |          |
| 1801           | 750            | 2001           | 375            | Request for Continued Examination (RCE)                                    |          |
| 1802           | 900            | 2002           | 450            | Request for expedited examination of a design application                  |          |

Other fee (specify) Claim Fees Statutory Disclaimer fee under 37 CFR 1.29(d)

\$110

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$110)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

George S. Blasiek

Registration No. (Attorney/Agent)

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(315) 425-9000

Signature

George S. Blasiek

Date

May 30, 2003

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I hereby certify that this correspondence is being facsimile transmitted to Examiner John Sanders at Fax number 703-746-8501 at the United States Patent and Trademark Office on May 30, 2003.

WALL MARJAMA &amp; BILINSKI LLP

By: Jul R. Clarke  
Jul R. Clarke

Attorney Docket No. 281-329.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Ervin Goldfain, *et al.*

Application No.: 09/862,636

Filed: May 22, 2001

For: Eye Viewing Device Comprising  
Eyepiece and Video Capture Optics

Examiner: John Sanders

Art Unit: 3737

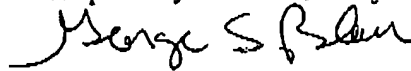
SUMMARY OF INTERVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a telephone interview today, May 30, 2003, between Examiner Sanders and Applicants' representative George Blasiak, Examiner Sanders stated that a prospective obvious-type double patenting rejection would be mooted if the Applicants were to file a terminal disclaimer in the present application disclaiming the term of the present application beyond the term of Application No. 09/441,161, filed November 22, 1999, entitled Eye Viewing Device for Retinal Viewing through Undilated Pupil, now U.S. Patent No. 6,409,341. Application No. 09/441,161 is a parent application of the present application. A terminal disclaimer disclaiming the term of the patent beyond the term of Application No. 09/441,161 is attached.

Respectfully submitted,



George S. Blasiak  
Reg. No. 37,283

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PATENT TRADEMARK OFFICE

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Date: May 30, 2003